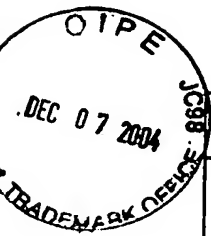


B000824u902/7549.u42
(KN30a4-2)



PTO/SB/51 (06-03)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**SUPPLEMENTAL REISSUE APPLICATION DECLARATION BY
THE INVENTOR**

Docket Number (Optional)

21581-00240-US1

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 6,340,767 B1, granted January 22, 2002, and for which a reissue patent is sought on the invention entitled

PROCESSES FOR THE PREPARATION OF 5-HYDROXY-3-OXOPENTANOIC ACID DERIVATIVES

the specification of which

☐ is attached hereto.

☒ was filed on November 12, 2003 as reissue application number 10/705,665
and was amended on November 12, 2003; June 21, 2004 and July 2, 2004
(if applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☒ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/2B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

It seems desirable that the original patent claim 1 be amended to recite "in the presence of a magnesium halide" in order to more clearly define over the prior art. Intent to claim the added feature is evident from column 7, line 65 to column 8, line 3 of the patent which states:

"The yield of the objective compound can be increased by conducting this reaction in the presence of a magnesium halide. Thus, the reaction can be conducted with greater advantage by adding a solution of a lithium amide to a mixed solution containing the acetic acid ester, 3-hydroxypropionic acid derivative and magnesium halide."

In view of the amendment to claim 1, claims 4, 19 and 20 have been cancelled and the dependency of claim 5 has been changed to depend from claim 1.

B000824 u502/7547. u52
(FN 30946-2)

PTO/SB/51 (06-03)

Approved for use through 01/31/2004. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)
21581-00240-US1

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Name(s)	Registration Number	Name(s)	Registration Number

Correspondence Address: Direct all communications about the application to:

☒ Customer Number

30678

Customer Number

OR

☐ Firm or Individual Name

Address				
City	State	Zip		
Country	Telephone	Fax		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

Akira NISHIYAMA

Inventor's signature

Akira Nishiyama

Date

NOV. 17. 2004

Residence

1289-8, Nagasuna, Noguchicho, Kakogawa-shi, Hyogo 675-0016 Japan

Citizenship
Japan

Mailing Address

Same as above

Full name of second joint inventor (given name, family name)

Kenji INOUE

Inventor's signature

Kenji Inoue

Date

NOV. 17. 2004

Residence

82-2-501, Awazu, Kakogawacho, Kakogawa-shi, Hyogo 675-0039 Japan

Citizenship
Japan

Mailing Address

Same as above

Full name of third joint inventor (given name, family name)

Inventor's signature

Date

Residence

Citizenship

Mailing Address